

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JERMAINE F. FORD,

Petitioner,

v.

JUDY P. SMITH,

Respondent.

Case No. 18-CV-1423-JPS

ORDER

On September 11, 2018, Petitioner Jermaine Ford filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that his conviction and sentence were imposed in violation of his constitutional rights. (Docket #1). The filing fee for a Section 2254 action is \$5.00. Petitioner filed a motion for leave to proceed without prepaying this fee. (Docket #3); 28 U.S.C. § 1915. In the motion, Petitioner avers that he has no assets of any kind. (Docket #3 at 2).

The Court will deny the motion. Along with it, Petitioner submitted his inmate trust account statement for the month of August 2018. (Docket #4). It reflects deposits of \$150.00 into his regular trust account over the course of the month. Most of the money—nearly \$130.00—was spent at the canteen. At month's end, Petitioner still had \$31.11 in the account.

These numbers contradict Petitioner's averment in his motion that he has no assets with which to pay the modest \$5.00 filing fee. To the extent he has depleted substantial deposits in his account at the canteen, the fault rests with him alone. Consequently, the Court will deny Plaintiff's motion for leave to proceed *in forma pauperis*. He must pay the

\$5.00 filing fee within fourteen days or the petition will be dismissed. Once the fee is paid, the Court will screen the petition pursuant to Rule 4 of the Rules Governing Section 2254 Proceedings.

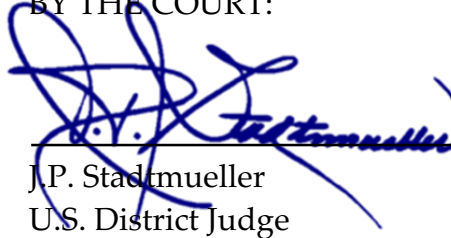
Accordingly,

IT IS ORDERED that Petitioner's motion for leave to proceed *in forma pauperis* (Docket #3) be and the same is hereby **DENIED**; and

IT IS FURTHER ORDERED that Petitioner shall pay the \$5.00 filing fee for this action within **fourteen (14) days** of the date of this Order. Failure to do so will result in dismissal of this action without further notice.

Dated at Milwaukee, Wisconsin, this 9th day of October, 2018.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge